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प्राधिकार से प्राप्ति

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इस भाग में भिन्न १६५ संख्या दी जाती है किससे कि यह ग्रन्थ संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 1st May, 1969:—

BILL No. 41 OF 1969

A Bill further to amend the Trade Unions Act, 1926.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Trade Unions (Amendment) Act, 1969.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short title,
extent
and
commencement.

2. In section 2 of the Trade Unions Act, 1926 (hereinafter referred to as the principal Act), for clause (h), the following clause shall be substituted, namely:—

Amendment of section 2.

'(h) "Trade Union" means a union of the employees formed in accordance with section 4 of the Act.'

Substitution of sections 4 and 5.

3. For sections 4 and 5 of the principal Act, the following section shall be substituted, namely:—

Formation of a Trade Union.

“4. (1) Every employer shall prepare a register of the employees entitled to be on the members' list and maintain it.

(2) Every employer shall cause, subject to rules made in this behalf, an election to be held annually for electing the office-bearers by means of secret ballot with voting by proportional representation by means of the single transferable vote.

(3) Every employer shall be entitled to deduct every month from the pay payable to every employee a sum equivalent to the monthly subscription payable by an employee under the rules of the Trade Union and shall hand it over soon after collection to the appropriate office-bearer of the Union:

Provided that the existing rate prevalent in a recognised Union in the undertaking shall continue to be the rate until changed by the Union at its next ordinary or special general body meeting.”

Substitution of section 6.

4. For Section 6 of the principal Act, the following section shall be substituted, namely:—

Registration of Trade Union.

“6. Every Trade Union formed under this Act shall be registered by the employer with the Registrar of Trade Unions and the Rules of the Trade Union shall provide for—

- (1) name of the Trade Union,
- (2) objects, and
- (3) purposes for which Trade Union funds can be applied.”

Omission of sections 7 to 11 and 21.

5. Sections 7, 8, 9, 10, 11 and 21 of the principal Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

It is well-known that the chief troubles affecting Trade Union movement are:

- (a) multiplicity of Unions; and
- (b) recognition or non-recognition of Unions.

These troubles have affected relations between employers and employees, and are vitiating the value of negotiation. They are also creating avoidable quarrels among the employees themselves and causing severe cracks in the Trade Union solidarity. Several expedients have been tried but the malaise is continuing in one form or another.

If the trouble is to be removed, it could be done so only by removing the causes. The causes can be removed by adopting the procedure laid down in the present Bill under which all the employees will be members of the Union, the undertaking will maintain the lists of members and elections will be by proportional representation.

By this procedure:

- (1) there will necessarily be only one Union;
- (2) no employee will be excluded;
- (3) greater sense of justice will inform the formation of the executive;
- (4) the bargaining strength of the Union will develop in a greater measure than ever before; and
- (5) the employer will have a Trade Union that is broad-based to deal with, removing all sense of groupism.

The Bill is intended to achieve the above purposes.

NEW DELHI;

TENNETI VISWANATHAM.

The 21st March, 1969.

BILL No. 39 OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1969.

Amend-
ment of
article 86.

2. In article 86 of the Constitution, clause (1) shall be omitted and clause (2) shall be re-numbered as article 86.

Omission
of article
87.

3. Article 87 of the Constitution shall be omitted.

Amend-
ment of
article
175.

4. In article 175 of the Constitution, clause (1) shall be omitted and clause (2) shall be re-numbered as article 175.

Omission
of article
176.

5. Article 176 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The experience during the last twenty years has shown that Address by the President of India to Parliament and Addresses by Governors to the State Legislatures have not in any way added to the light that was expected to be thrown when articles 86(1), 87, 175(1) and 176 were adopted in our Constitution. They were based on an assumption that the position of the Queen of England in relation to her Cabinet and Parliament was somewhat equivalent to the position assigned to the President and the Governors in our country in their relation to the Cabinets, Parliament and State Legislatures. This strictly was not correct. Recent events have also shown that the provisions are capable of creating unnecessary political friction with serious consequences to the peace and good Government. These provisions can, therefore, be deleted without harming the spirit of the Constitution in any manner.

Hence the Bill.

NEW DELHI;

The 21st March, 1969.

TENNETI VI SWANATHAM.

BILL No. 37 OF 1969

A Bill to provide for the abolition of the practice of conferring by the State decorations, such as Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri, and for matters connected therewith.

WHEREAS the Constitution of India prohibits the conferring by the State of titles (article 18) and inasmuch as certain decorations have been introduced by the State which violate the provisions of the Constitution and are repugnant to the true principles of democracy, it is expedient to abolish the practice of conferring of these decorations;

Be it, therefore, enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title and
commencement.

1. (1) This Act may be called the Conferment of Decorations on Persons (Abolition) Act, 1969.

(2) It shall come into force at once.

2. The State shall not confer any decoration on any person:

Provided that this prohibition shall not apply to—

(i) cash awards by the State for meritorious service in any field; and

(ii) other titles expressing spontaneous appreciation or gratitude of the people themselves, such as "Mahatma", "Netaji", "Deshbandhu".

Explanation.—“decoration” includes “Bharat Ratna”, “Padma Vibhushan”, “Padma Bhushan” and “Padma Shri” conferred by the State for exceptional services towards the advancement of Art, Literature and Science and in recognition of public service of the highest order or distinguished public service in any field, including service rendered by Government servants.

3. Nothing contained in this Act shall apply to decorations already conferred by the State.

Prohibition to confer decorations on persons.

Saving.

STATEMENT OF OBJECTS AND REASONS

Our Constitution (article 18) has abolished all titles, given to Indians by outsiders or by Indian authorities, because these titles are contrary to democracy and make discrimination between citizens and citizens.

Under these circumstances, it is sad to think that these titles are sought to be brought in by backdoor methods, such as decorations introduced by the Government of India by an executive order, namely Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri.

Our view before Independence was that these titles or awards degrade both the giver and the recipient and they are not always awarded according to merit, and Government of the day is not the best judge about the merits of eminence of the recipient.

These new titles were at first given to very few and exceptional persons. This small stream has since become quite a flood and on more than one occasion in a year long lists of names of recipients of new distinctions have been issued by the authorities.

If we have to strengthen our democracy and socialism and if we are thinking in terms of equality of the citizens, these new distinctions should also be abolished.

This must not, however, include cash awards for meritorious services in any field. They must not also include titles given by the public themselves, as was done before Independence, such as Mahatma, Netaji, Deshbandhu, etc. This must not also include the designation of a person doing and describing a particular job, such as a principal of college or a General in the Army etc.

Hence this Bill.

NEW DELHI;
The 22nd March, 1969.

J. B. Kripalani.

BILL NO. 31 OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1969. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In article 217 of the Constitution, in clause (1), for the words "sixty-two years", the words "sixty-five years" shall be substituted. Amendment of article 217.
3. In article 224 of the Constitution, in clause (3), for the words "sixty-two years", the words "sixty-five years" shall be substituted. Amendment of article 224.

STATEMENT OF OBJECTS AND REASONS

The retirement age of the High Court Judges was reviewed by the Constitution (Fifteenth Amendment) Act, 1963 and was fixed at sixty-two years. In the United Kingdom, Judges are allowed to work for as long a period as they can. The expectancy of life in India has increased and in order to utilise the existing talent, the question of retirement age of High Court Judges should be reconsidered. Supreme Court Judges are allowed to hold office till the attainment of the age of sixty-five years and there is no justification for fixing a lesser age of retirement for the High Court Judges. Thus the retirement age of High Court Judges needs a review.

Hence the Bill.

OM PRAKASH TYAGI.

NEW DELHI;
The 7th January, 1969.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 20/1/69-Judl.III, dated the 24th March, 1969 from Shri Vidya Charan Shukla, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Constitution (Amendment) Bill, 1969 (*Amendment of articles 217 and 224*), recommends the introduction and consideration of the Bill in the Lok Sabha under article 117 of the Constitution of India.

FINANCIAL MEMORANDUM

Clauses 2 and 3 of the Bill provide for raising of the age of retirement of a High Court Judge from 62 years to 65 years. It would result in increased pensions in certain cases. The additional recurring expenditure on this account is not likely to exceed Rs. 50,000. It would not involve any non-recurring expenditure.

S. L. SHAKDHER,
Secretary.

